

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Jay A. Brunner,

Complainant,

vs.

House Republican Campaign
Committee,

Respondent.

NOTICE OF DETERMINATION OF
PRIMA FACIE VIOLATION

AND

NOTICE OF AND ORDER FOR
PROBABLE CAUSE HEARING

To: Jay A. Brunner, 30 Oakridge Drive, Birchwood, MN 55110, and Jeff Johnson, Chair, House Republican Campaign Committee, 161 St. Anthony Avenue, Suite 950, St. Paul, MN 55103.

On October 20, 2004, Jay A. Brunner filed a Complaint with the Office of Administrative Hearings alleging the Respondent violated Minn. Stat. § 211B.06 in a piece of campaign material concerning Rebecca Otto, an incumbent legislator running for re-election in House District 52B. After reviewing the Complaint and attached documents, the undersigned Administrative Law Judge has determined that the complaint sets forth a prima facie violation of § 211B.06, subd. 1. In particular, the complaint alleges that the mailing falsely attributes to Rebecca Otto statements made by her husband in a presentation made to the DFL Education Foundation in May 2003.

THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at 10:00 a.m. on October 22, 2004. The Office of Administrative Hearings will set up a conference call and will notify the parties how to dial into the conference. The probable cause hearing will be conducted pursuant to Minn. Stat. § 211B.34. Information about the probable cause proceedings and copies of state statutes may be obtained online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

At the probable cause hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should bring with them all evidence bearing on the case with copies for the Administrative Law Judge and opposing party.

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the complaint is

frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minn. Stat. § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minn. Stat. § 211B.34, subd. 3.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401, or call 612/341-7610 (voice) or 612/341-7346 (TTY).

Dated: October 21, 2004

/s/ Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge